



## TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.  
SON5180.03A

Re Application Of: MARITZEN, MICHAEL L.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/737,277	12/12/2000	FRANTZY, POINVIL	36813	3628	7927

Invention: APPARATUS AND METHOD FOR POPULATING A SMART DEVICE


COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on

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Signature

Dated: March 13, 2006

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APPEAL BRIEF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/737,277 Confirmation No.: 7927  
Applicant : MARITZEN, MICHAEL L.  
Title : APPARATUS AND METHOD FOR POPULATING A SMART  
DEVICE  
Filed : 12/12/2000  
TC/A.U. : 3628  
Examiner : FRANTZY, POINVIL  
Docket No. : SON5180.03A  
Cust. No. : 36813

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(name)

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(date)

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03/16/2006 TBESHAH1 00000012 09737277

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APPEAL BRIEF

Dear Sir:

The following appeal brief is submitted pursuant to the appeal mailed 12/08/2005 as received by OIPE on 12/12/2005 in the above-identified application. Presented herewith is the Appeal Brief of the Applicants, as well as the requisite fee set forth in 37 CFR 1.17(f) and the fee for a one month extension.

REAL PARTY IN INTEREST

The real party in interest is: "Sony Corporation", 7-35 Kitashinagawa 6-chome Shinagawa-ku, Tokyo, Japan; and "Sony Corporation of America" 550 Madison Avenue, New York, NY 10022-3211.

RELATED APPEALS AND INTERFERENCES

There are no related Appeals and Interferences at this time.

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### **STATUS OF CLAIMS**

All claims (1-27) currently stand rejected.

This application was filed on December 12, 2000 as application number 09/737,277 claiming priority to provisional patent application number 60/227,679 filed August 24, 2000. The original application contained eighteen (18) claims, including four (4) independent claims.

The Examiner rejected Claims 1-18 based on U.S. Pat. No. 6,128,602 (Northington et al.) in an action mailed February 27, 2004.

Claims 8-10, 16 and 17 were amended and new claims 19-27 were added by the Applicant in a response mailed May 27, 2004.

The Examiner rejected Claims 1-27 in a Final Office Action dated September 13, 2004. Rejection of Claims 1-27 was based on Northington et al.

Claims 1-3, 6-7, 11, 16 and 18-19 were amended by the Applicant with a request for continued examination in a response sent November 15, 2004.

The Examiner rejected Claims 1-27 in an Office Action dated February 24, 2005. Rejection of Claims 1-27 was based on Northington et al. .

Claims 1, 8, 10-11, 15-16, 18-21 and 24-27 were amended by the Applicant in a response dated May 24, 2005.

The Examiner rejected Claims 1-27 were rejected by the Examiner in a Final Office Action dated August 9, 2005. Rejection of Claims 1-27 was based on Northington et al..

Applicant mailed Notice of Appeal on December 8, 2005, as received in OIPE on December 12, 2005.

### **STATUS OF AMENDMENTS**

The claims now pending have not been modified subsequent to the August 9,

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2005 final action.

### **SUMMARY OF CLAIMED SUBJECT MATTER**

Claim 1. Independent Claim 1 is drawn to an information gathering and distribution system.

Support for “*a data terminal configured as a financially-enabled e-commerce device*” is shown as element 12 in FIG. 1-4 as well as throughout the specification, including page 4, lines 24-28.

Support for the above data terminal “*receiving data*” is found throughout the specification, including page 7, lines 20-26.

Support for “*a device identifier retained within said financially-enabled e-commerce device*” is found on page 3, lines 13-16; and elsewhere.

Support for “*a transaction and information clearing house (TIPCH), maintaining information for a plurality of user accounts*” is found in the original claims, such as Claim 18 (i.e., user information database), as well as in the specification, such as at page 3, lines 29-33. This element is also described elsewhere, such as at page 16, lines 4-6.

Support for the above TIPCH being “*configured to gather electronic information from a financial institution or vendor for a user having an account*” is found in the method blocks 208, 210 of FIG. 5 as well as in the specification, such as at page 3, line 29 through page 4, line 3.

Support for “*said TIPCH connected selectively to said data terminal*” is found in the drawings of FIG. 1-4 communication connectivity between elements 12 and 18 as well as in the specification, including page 3, lines 13-16.

Support for the TIPCH being “*configured for automatically transferring electronic information to said data terminal in response to receipt of said device identifier*” is found in original claims, such as Claim 16 and 18, as well as within the specification, such as page 3, lines 13-16, as given above, and elsewhere.

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Support for “*data terminal is populated by said TIPCH with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction functionality to said data terminal on behalf of the user*”, is found in the original claims 11, 14, 16, and in the specification such as in the Abstract, as well as in the specification on page 16, lines 8-12; page 4, line 31 through page 5, line 3; page 7, lines 1-6; and page 15, lines 8-20; and elsewhere.

Claim 11. Independent Claim 11 is drawn to an electronic commerce system.

Support for “*a data terminal capable of sending and receiving data*” is found in the original claims including Claims 11 and 16, the drawings as element 12 in FIG. 1-4 as well as throughout the specification including page 4, lines 24-28.

Support for “*said terminal configured as a financially-enabled e-commerce device*” is shown as element 12 in FIG. 1-4 as well as throughout the specification including page 4, lines 24-28.

Support for the terminal being configured “*to indicate that a transaction is to be performed*” is found in original Claim 11. Support is found throughout the specification, including page 17, lines 4-9.

Support for “*a device identifier retained within said financially-enabled e-commerce device*” is found page 3, lines 13-16; and elsewhere.

Support for “*a transaction and information clearing house (TIPCH), said TIPCH configured to gather electronic information from a financial institution or vendor*” is found in the original Claims 1 and 11, the drawings with TIPCH 18 interacting with elements 20, 24 such as FIG. 1 - 4, and the specification including the Abstract . This aspect is also described in the specification on page 3, lines 29-33.

Support for the TIPCH gathering information “*for a user having an account within a plurality of separate user accounts within said TIPCH*” is found in the specification including page 3, lines 29-33.

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Support for the above TIPCH being *“configured to gather electronic information from a financial institution or vendor for a user having an account”* is found in the method blocks 208, 210 of FIG. 5 as well as in the specification, such as at page 3, line 29 through page 4, line 3.

Support for *“wherein said TIPCH is configured to be connected selectively to said data terminal”* is found in the drawings of FIG. 1-4 communication connectivity between elements 12 and 18; the Abstract. Support is found in the specification, such as at page 3, lines 13-16; and elsewhere.

Support for *“said information automatically transferred to said data terminal when said data terminal is connected to said TIPCH and in response to receipt of said device identifier”* is found in original claims, such as Claim 16 and 18 as well as within the specification, such as page 3, lines 13-16; and elsewhere.

Support for *“said TIPCH is configured to interface with a financial processing system to transfer funds from a user’s account to a vendors account when authorized by said data terminal”* is found in the original claims 1 and 11, the drawings such as blocks 308, 314, 316 of FIG. 6, and the specification including page 15, line 13-16.

Support for *“said data terminal is populated by said TIPCH with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction functionality to said data terminal on behalf of a user”* is found in original Claims 11, 14, 16, and the specification such as in the Abstract. This aspect is also described in the specification on page 16, lines 8-12; and elsewhere.

Claim 16. Independent Claim 16 is drawn to a method for permitting users to conduct an electronic commerce transaction.

Support for *“providing a data-transaction financially-enabled e-commerce device to a user”* is shown as element 12 in FIG. 1-4 as well as throughout the specification including page 4, lines 24-28; page 7, lines 13-16; and elsewhere.

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Support for *“the device capable of sending and receiving data”* is found in the original version of this claim (Claim 16) as well as in Claim 11, the drawings as element 12 in FIG. 1-4 as well as throughout the specification including page 4, lines 24-28; page 7, lines 20-26.

Support for *“the transaction device having a unique identifier corresponding to the user”* was contained in the original version of this claim (Claim 16) as well as Claim 18, and is found in the specification, including page 3, lines 13-16.

Support for *“configuring a transaction and information clearing house (TIPCH) to receive electronic content from at least one vendor or financial institution for each individual user within a plurality of users”* is substantially found in original Claims 1 and 11, and in the drawings with TIPCH 18 interacting with elements 20, 24 such as FIG. 1 - 4. Support is found in the specification including the Abstract; page 3, lines 29-33; page 16, lines 4-6.

Support for *“to provide that electronic content for storage in said data-transaction device in response to receipt of said device identifier”* is substantially found in original claims, such as Claims 16 and 18. These elements are described in the specification such as page 3, lines 13-16; page 6, lines 15-17; and elsewhere.

Support for *“maintaining an association between the user and the data-transaction device within said TIPCH using the unique device identifier”* was recited in original claims 16, 17. This aspect is also shown as block 214 in FIG. 5 and elsewhere, as well as throughout the specification including page 16, lines 4-7.

Support for *“populating said data-transaction device by said TIPCH with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction functionality to said data terminal on behalf of a user”* is found in original Claims 11, 14, 16, and in the specification, such as in the Abstract on page 24, lines 2-8; page 16, lines 8-12; page 18, lines 14-18; page 25, line 3 through page 26, line 3; and elsewhere.

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Support for “*authorizing a transaction within said TIPCH based upon the device identifier on behalf of the user, and automatically providing said electronic content to said data-transaction device*” is found in the original claims 1 and 11, the drawings such as blocks 308, 314, 316 of FIG. 6, and the specification including page 15, line 13-16; page 3, lines 13-16; page 7, lines 20-26.

Support for “*executing an electronic commerce transaction with a vendor using the data-transaction device*” is generally recited in original claims 3, 11 and 16. This aspect is also shown as blocks 316 in FIG. 6 as well as throughout the specification including page 17, line 10 through page 18, line 13; in the Abstract on page 24, lines 9-12.

Claim 18. Independent Claim 18 is drawn to a transaction and information processing clearing house (TIPCH) for use within an electronic transaction system.

Support for “*a secure database*” is recited in original claim 18, and through the specification including page 3, lines 13-16; page 9, line 1 through page 11, line 13.

Support for a “*database identifying accounts corresponding to particular transaction device identifiers within a plurality of financially-enabled e-commerce devices*” was recited in the original Claim 18. This aspect is also found throughout the specification including page 15, lines 8-14; page 3, lines 29-32; page 5, lines 4-10; page 7, lines 14-22; page 16, lines 4-7.

Support for “*authorization logic coupled to the secure database configured to authorize access to a user information database*” is found in original claims 18: “*authorization logic coupled to the secure database configured to authorize access to a user information database*”, as well as original claims 2, 11 and 16. This aspect is also discussed throughout the specification including page 17, line 27 through page 18, line 4; and page 15, lines 8-14.

Support for wherein the authorization logic and secure database is configured to “*populate a financially-enabled e-commerce device in response to said particular*



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*transaction device identifiers with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction execution functionality therein on behalf of a user*" is found in the original claims 11, 14, 16, the specification such as in the Abstract. Support is also found in the specification on page 16, lines 8-12; page 15, lines 8-20, and elsewhere.

Support for "*an information retrieval system wherein consumer account information is retrieved from selected consumer accounts of at least one vendor or financial institution and stored in said user information database*" is found in original claims, such as Claim 18 (i.e., user information database), as well as in the specification, such as at page 3, lines 29-33; page 16, lines 4-6; and elsewhere.

Support for "*an information disbursement system, wherein retrieved information in said user information database is automatically dispensed to a user*" is shown as element 12 in FIG. 1-4 as well as throughout the specification including page 4, lines 24-28; page 12, lines 11-16.

Claim 19. Independent Claim 19 is drawn to a system for executing and tracking financial transactions.

Support for "*a transaction and information clearing house (TIPCH), said TIPCH configured with an information repository in which electronic account information from at least one financial institution or vendor is gathered for each of a plurality of registered users of said TIPCH*" is found in original claims, such as Claim 18 (i.e., user information database), as well as in the specification, such as at page 3, lines 29-33; page 16, lines 4-6; and elsewhere.

Support for "*a portable transaction device containing data memory and configured for connecting with said TIPCH by a secure communications link*" is found throughout the specification including page 7, lines 16-22; page 5, lines 24-26.

Support for "*populating said data memory automatically, upon establishing said secure communications link with said TIPCH, with sufficient account information about*

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*the user account, or accounts, associated with said device identifier to impart transaction functionality with or without a connection established to said TIPCH*" is found in the original claims 11, 14, 16, the specification such as in the Abstract; page 16, lines 8-12; page 15, lines 8-20, and elsewhere.

Support for "*transaction device is configured with a unique identifier associated with a particular registered user having at least one financial account accessible to said TIPCH*" was recited in original Claim 16 as well in the specification. This is also described in the specification, such as on page 3, lines 13-16; page 16, lines 4-7; page 7, lines 11-16; and elsewhere.

Support for "*TIPCH is configured to interface with a financial processing system so that transactions can be executed in which funds are transferred between an associated user account accessible to said TIPCH and one or more vendor accounts*" is found in original claims 11. This aspect is also discussed throughout the specification including page 14, lines 11-15; page 4, lines 15-19.

### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claims 1-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. No. 6,128,602 (Northington et al.; "Northington").

### **ARGUMENT**

**The rejection of Claims 1-27 under 35 U.S.C. §103(a) in view of Northington et al. (U.S. Patent No. 6,128,602).**

Claims 1, 11, 16, 18 and 19 are the independent claims within this grouping of claims, which have been rejected based on the Northington reference.

Applicant contends that there is a clear, definitive difference between the organization accounting system as taught by Northington, which shares information with workers of that organization, and the mechanisms as claimed by the Applicant for

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populating a smart card, or other e-commerce device, with account information from a plurality of user accounts so that the user can execute transactions for themselves without the need to manually load and update information on each account.

During prosecution, Applicant has amended claims to clearly distinguish Northington and has put forth arguments supporting these distinctions. Applicant respectfully contends that the Examiner over-generalizes Northington's teachings in support of the claim rejections. Applicant respectfully argues that the Examiner's continued rejections based on Northington suffer from a number of shortcomings, including: All Claim Limitations are NOT Taught; Combination Materially Different from Reference; "Plain Meaning" of Recited Elements Ignored; Solved a Different Problem; Different Operating Principles; No Need of Elements within Reference; Lack of Specificity of Suggestion to Modify; Reference Teaches Away from Invention; Invention Has Not Been Considered as a Whole; No Prima Facie Case of Obviousness has Been Established; and .

**A. Independent Claim 1.**

**A.1. All Claim Limitations are NOT Taught.**

Applicant contends that the Examiner has failed to establish a prima facie case for obviousness because the cited reference does not disclose or suggest every element in Claim 1. Claim aspects in the instant application are not taught by the reference or are materially different from the reference.

The limitations of all claims are not taught by the Northington reference. This result appears to partly stem from over-generalization as outlined above, as well as from ignoring the relational aspects brought out in the claims. Examples of elements within independent Claim 1 that are not taught by Northington are put forth below.

The teachings of Northington are drawn to an improved form of distributed accounting system, such as *"for a large scale financial entity (such as a corporation,*

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*business conglomerate, government, or other large organization)*”, as recited in the first sentence of the background of Northington (refer to column 1, lines 21-24.

In the rejection of pending Claim 1 it is put forth that a data terminal attached to the accounting system of Northington is equivalent to the financially enabled e-commerce device as recited in Claim 1. Applicant strongly disagrees with these statements because Claim 1 brings out numerous aspects of the e-commerce device and its relationship with the TIPCH system which appear to clearly distinguish over the Northington reference. It will be noted that the terminal of Northington only allows access to the computer system itself, which runs the application of the “improved” accounting system of Northington. Even the sections of Northington referred to by the Examiner in support of the rejection make this point. Referring to column 5, lines 15-25, it is stated in Northington: *“System 100 communicates with one or more independent computer systems, represented in FIG. 1 as financial systems 106 and 112, via a communications network 105. Financial systems 106 and 112 may represent such computer systems as credit card networks, automatic teller networks, electronic banking networks and systems, governmental financial networks, and other types of electronic commerce networks and systems through which an entity performs purchasing, spending, invoicing, payment or credit receipts, and other financial transactions.”*

It can be seen that it is system 100 and not terminal 110 that has capability to execute electronic commerce, as would any PC that is coupled to the Internet. The terminal 110 of Northington only provides access to this functionality by users.

The rejection also considers that Northington teaches populating the data terminal with “sufficient information” to impart “functionality” to the remote data terminal on behalf of the user. This is not what is stated in Applicant’s claim. Claim 1 recites “sufficient account information” and specifically describes functionality as “transaction functionality”, which would be understood as providing the terminal with the capability to

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execute financial transactions, such as purchases. Furthermore, the claim discusses this functionality being in relation to the account of the specific user within a plurality of user accounts - not the account of an organization for which all actions of an accounting system are directed. This transaction functionality is not available within the terminal of Northington. And, it should be appreciated that providing such functionality to the terminal would be contrary to the intent of the Northington invention, which is to consolidate accounting processes into system 100 for the entity.

At another place within the Northington specification an example is given of how information is disseminated by the system of Northington column 8, lines 55-62: *"For example, if a user enters a request for information at remote terminal 110 or customer service terminal 120, the web services element 104 receives the command (as described in further detail below) and transmits it to navigator 404. Navigator 404 then contacts the database management system 301 of data repository element 102 to determine whether the information requested by the user is stored in database 302."* The remote terminals of Northington are clearly not 'populated' with sufficient account information to impart transaction functionality as referred to in Claim 1. It should be noted that even in Applicant claims where a portable smart device is explicitly recited, the same rejection is put forth by the examiner.

There is no structure within Northington for automatically populating the e-commerce device with account information upon connection, and more particularly with *"automatically transferring electronic information to said data terminal... in response to receipt of said identifier"*, as clearly recited in Claim 1. In addition, the account information dealt with by Northington is only that of the organization, whereas in Claim 1 the information for populating the e-commerce device is taken from the TIPCH *"maintaining information for a plurality of user accounts"*, and *"for a user having an account within said plurality of user accounts"*. These aspects do not comport with what is taught by Northington. Furthermore, the transaction functionality is imparted as

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recited in the claim *"to said data terminal on behalf of the user"*. The term *"on behalf of"* clearly connotes that done for the benefit of the user. The definition of *"behalf"* as in *"on behalf of"* is given by the Microsoft Encarta Dictionary of 2001 as *"on behalf of - for somebody's benefit of support, or in some bodies best interests."* This meaning is also clearly reflected throughout the specification. Clearly this differs from operations performed by a clerk via terminal 110 on the accounting records within the accounting system of Northington for the single organizational entity.

The distinction of these mechanisms within the application which relate to the data terminal, and the automatic population thereof, are not incidental or a simple design choice, but illustrate fundamental differences between the system of Northington and that of the Applicant. Northington provides a system on which the activities of independent financial systems within a single business entity are consolidated, or brought together, within system 100 (see Background col. 1, lines 21-26 and col. 2, lines 23-26), *"without the need for expensive and time consuming backroom procedures"* as found in col. 2, lines 29-32 of Northington.

The use of a *"a device identifier retained within said financially-enabled e-commerce device"* is described in the instant application as well as its relationship to the operation of the TIPCH and the data terminal. The TIPCH is configured for maintaining information for numerous user entities, *"a plurality of user accounts"*, and these entities are associated with the user account information by the device identifier. The transfer of information from the TIPCH is further described as being *"in response to receipt of said device identifier"*.

These distinctions can be seen to clearly overcome the teachings of Northington which does not describe associating a selection of one of a plurality of accounts using device identifiers. The user sign on procedure on non-dedicated terminals within Northington to limit access to information for the organization is clearly not equivalent.

Northington thus does not teach all claim limitations, and Applicant contends the

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rejection is based on general similarities of individual elements within these different inventive concepts. The suggestions to modify the reference to provide for populating with account information lack specificity, are based on hindsight in view of Applicant's teachings, and still remain unworkable as they are based on improper assessments of the relevant teachings. Furthermore, there is no teaching supplied within the rejection to support how these aspects would be obvious in view of the Northington reference.

The elements recited in Claim 1 are materially different from those shown in the cited reference. Furthermore, the claim elements are combined in a novel and nonobvious way.

The Examiner appears to equate the claimed data terminal configured as a "*financially-enabled e-commerce device*" to terminal 110 of Northington, such as in FIG. 1. But Northington describes only terminals connected to an accounting system of an organization, which are not equivalent to e-commerce devices. Although these terminals may comprise personal computers, and not simply video displays, they still perform their functionality through the connection with the main system and/or database therein. As can be seen from Northington's FIG. 1, FIG. 2, FIG. 5 and FIG. 6, the terminal 110 is not a financially enabled e-commerce device, nor can it be populated for the execution of transactions, because all such operations are performed through system 100 within Northington.

In contrast, the claimed e-commerce device of the user is configured to perform transactions after being populated in response to its device identifier being received by the TIPCH. The device identifier aspect of the claimed e-commerce device is not simply a design choice but operates in concert with the device and TIPCH toward the automatic population of the device and provides numerous user benefits.

The Examiner further appears to equate the transaction and information clearing house (TIPCH) recited in Claim 1 with the system block 100 of Northington. The Examiner supports this contention with the following sections from Northington: column

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7, lines 45-67; column 6, lines 14-18; abstract; and column 8, line 55 to column 9, line 24. These references, however, all describe the consolidation of records within an organizational accounting system. The Examiner fails to consider that the TIPCH of the instant application maintains information about a plurality of users (vendor information thus collected for each of the users) and is configured to populate the e-commerce device in response to receiving the device identifier. Further, there is no teaching in Northington that system 100 can populate terminal 110 with sufficient account information about the user account or accounts to impart transaction functionality on behalf of the user.

The Examiner continues to cite column 5, lines 15-25 of Northington to show that an e-commerce device is taught. But this reference teaches only that system 100, and not terminal 110, can execute the transactions. It should be recognized that terminal 110 can display information, but there is no teaching regarding its being populated in a manner described in Claim 1, or more specifically populated in response to receipt of a device identifier from the e-commerce device and even more specifically populated with sufficient account information to impart transaction functionality on behalf of the user. Consequently, the system 100 of Northington may be considered to execute e-commerce transactions, but not terminal 110.

The Examiner cites Northington's abstract; column 10, lines 39-65; column 5, lines 35-65; and column 9, lines 25-58 to support his position that the only difference between Claim 1 and the cited reference is with regard to the automatic aspect of populating a device. However, each of the above sections of Northington describe an accounting system for an organization. Northington lacks significant elements found in Applicant's claims. Account information is not maintained for a plurality of users within Northington. There is no relationship in Northington that corresponds between the e-commerce device (terminal) and the TIPCH of Claim 1. System 100 of Northington performs accounting actions which can be in response to commands from terminal.



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There is no population of the terminal, but Northington displays account information and outputs reports. Security at the terminal of Northington is a login process giving users access to the accounting data of the organization.

Accordingly, the elements of the claim are not taught and/or do not comport to those aspects within the Northington reference as purported in support of the rejection; in view of which Claim 1 should not be considered obvious in view of the Northington reference.

#### **A.2. Elements not given their “Plain Meaning”.**

Applicant asserts that the interpretation of elements within the instant application and the teachings of Northington, have been over-generalized and not given their plain meaning. Because of this support for the rejection becomes more allegorical than according to the facts found in the plain meanings of the terms and their stated relationships.

MPEP 2111.01 "PLAIN MEANING" REFERS TO THE MEANING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART

When not defined by applicant in the specification, the words of a claim must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art.

#### **Financially Enabled e-Commerce Device**

The claims of the instant application recite aspects of a system that performs information gathering and distribution for a “*financially enabled e-commerce device*” recited as the first element of Claim 1, the specification gives examples of these such as Smart cards, PDA and the like (see page 4, lines 23-28; page 7, lines 16-26). Examiner argues based on the terms found in Northington “*having data terminals 110 for accessing transactions information via a web browser*”, that they are the same. Thus in the rejection the accounting system of Northington, and specifically the

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information dissemination associated with any traditional accounting system thereto, are equated to the e-commerce device recited in Claim 1 and elsewhere.

#### TIPCH Maintaining Information for Plurality of User Accounts

The TIPCH in Claim 1 is configured to maintain information for the accounts of a plurality of users. However, the Examiner appears to consider the plurality of user accounts to be persons (clients) which have login rights to the accounting database of Northington (i.e., Middle of Pg. 3 of 080905 OA). Examiner does not address the problem that Northington teaches an accounting system for a given organization, and not a system that provides services to a plurality of users as recited by Applicant claims. While the accounts over which they have control and from which their e-commerce device is populated is equated to vendor accounts. It appears from the claim, when fully considered, that account and vendor related information for each of a plurality of users are described.

#### Automatically Transferring Electronic Information to Data Terminal

The recitation of "*automatic transferring of electronic information to said data terminal*" in Claim 1, is stated to occur "*in response to receipt of said device identifier*". This being interpreted by the Examiner as that which exists within Northington and the reasoning is given as: "*the information is searched from the database and if not found in the database, the electronic information is searched and retrieved in other external databases see column 8, line 55 through column 9, line 24*".

However, the first line of that textual reference within Northington states "*For example, if a user enters a request for information at remote terminal 110, or customer services terminal 120...*". Clearly this is not describing an automatic operation performed in response to receipt of the device identifier. The specification clearly describes what is meant by this automatic population of the device within the application, such as page 4, line 27 through page 5, line 3: "*e-Commerce devices can receive information automatically when linked to the system ...Each device will be*

*automatically populated with the relevant information from TIPCH and therefore the user can know the latest account status and conduct transactions from any one of the many devices at virtually any location. Furthermore, if a device is lost, stolen or destroyed the replacement device can be readily populated with essential information without requiring the user to manually enter all of the information into the device.”* The specification even recites this as a zero-click model, obviously the user is not required to click the keyboard or perform other data entry to have account data on their e-commerce device updated.

In contrast to the above, the textual reference from Northington describes a conventional query in which the user enters a query for information which the system fulfills. Also since Northington supports neither transaction information for a plurality of users, nor populating an e-commerce device with account information necessary for executing a transaction, there is no way that programming within Northington COULD even automatically generate the information described by Claim 1.

#### In Response to Receipt of Said Device Identifier

As mentioned above there is no device identifier described by Northington, wherein it could not respond automatically to its receipt. However, the rejection appears to consider this as the same as an employee at a firm logging onto their accounting system and entering a query for information about the financial accounts of the entity, as no mention, save the above description of automated query is given.

#### Sufficient Account Information ...to Impart Transaction Functionality

The claims of the instant application describe populating the e-commerce device with account information. It is described in the specification that the e-commerce device can be used for executing purchase transactions (refer particularly to page 4, line 31 through page 5, line 3; page 7, lines 1-6; and elsewhere). This aspect allows the user to execute transactions with a plurality of vendors even as the e-commerce device (i.e., Smart card) is taken out and used at locations within the transaction

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infrastructure. However, Northington does not teach populating e-commerce devices for executing transactions, and instead describes sending accounting information to a terminal in the process of a user working at that terminal, this does not comport to populating an e-commerce device with sufficient account information for executing a transaction. In the case of Northington it would not even make sense to attempt to transfer all the data about the organization to the terminal when an employee or other client logs on. And barring sending all information, how is the system of Northington to understand what it is to be sent? Northington appears to operate substantially conventionally in terms of a accounting database system which aggregates information from a number of sources into one database. All indication are that obtaining information according to the Northington system would at least require that the client get on the terminal and specifically request specific account information about the organization.

#### Device Identifier Retained Within Device

The instant application, such as in Claim 1, describes the “*device identifier*” being “*retained within*” the e-commerce device. The Examiner states that the device identifier retained within said financially-enabled e-commerce device is not explicitly stated by Northington, but “*for security purposes*” this would be obvious. Applicant contends that again the claimed reference is misrepresented and not held to its plain meaning. Specifically, the use of the device identifier is described for use with the automatic transfer of information to the e-commerce device, wherein the use of a password entered by any user at the terminal is distinctly different, solving a different problem and subject to different principles of operation.

Applicant respectfully submits, therefore, that the Examiner has failed to consider the “plain meaning” of the elements being compared. Furthermore, the plain meaning of these terms is further supported by the relevant portions of the

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specifications, which indicate that the elements would not be considered equivalent by one of ordinary skill in the art. Refer to MPEP 2111.

### **A.3. Solved a Different Problem.**

Applicant's invention solves a different problem than the reference, and such a problem is recited in the claims. Refer to *Wright*, 6 USPQ 2d 1959 (1988).

MPEP 2143.01A: "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)." Emphasis added.

Applicant describes information gathering and distribution in relation to an e-commerce device recited as the first element of Claim 1. Electronic Commerce (e-commerce) is defined by Wikipedia ([www.wikipedia.com](http://www.wikipedia.com)) as follows: "*Electronic commerce, e-commerce or ecommerce consists primarily of the distributing, buying, selling, marketing, and servicing of products or services over electronic systems such as the Internet and other computer networks.*" What is meant by e-commerce should be well known by those of ordinary skill in the art. This is especially true in that the root word commerce is defined as "*the large scale buying and selling of goods and services*" (definition from Microsoft Encarta Dictionary published 2001).

However, the device taught by Northington is an improved form of accounting system which provides increased consolidation, such as "*for a large scale financial entity (such as a corporation, business conglomerate, government, or other large*

*organization*)", as recited in the first sentence of the background of Northington (refer to column 1, lines 21-24.

#### **A.4. Different Operating Principles.**

In addition to having different objectives than the Northington reference, the claims of the instant application describe a system which utilizes different operating principles than that espoused by Northington.

##### **Different Relationship of Users to Entity**

The system taught by the Applicant allows a *"financially-enabled e-commerce device"* of a user to be populated with information about the *"plurality of user accounts"* so that it may execute transactions. The Northington reference, however, is directed to an accounting system for a large organization. It will be recognized that even though a number of persons may sit at a terminal to perform accounting duties - it is clear that these duties involve the organizational entity. The system of Northington is directed to a single entity, the organization, for which book keeping activities may be performed by individuals, such as employees, via the terminal.

By contrast, the system recited in Claim 1 describes a system which maintains information for a plurality of users accounts, any specific user having established a fiduciary relationship with one of those accounts (or in some cases more than one). Furthermore, the relationship between user and system is established for transferring sufficient account information to impart transaction functionality to the device on behalf of the user.

##### **Different Financial Information Shared with Different Entity**

Northington is an accounting system, and as such it primarily deals with tracking the transactions performed by the entity, ledgering, categorizing expenses, and controlling expenses (refer to column 6, lines 13-21 of Northington). Although having internet connectivity allows transactions to be executed by Northington, the system

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does not divulge all its account numbers, passwords and other items necessary to allow those vendors to execute transactions. Furthermore, any transaction executed by the Northington system is directed toward the organization owning the system which also bears the financial responsibility.

In stark contrast to this the claims of the instant application describe the “*transaction and information clearing house (TIPCH), maintaining information for a plurality of user accounts*” and the financially-enabled e-commerce device “*populated*” by the TIPCH with “*sufficient account information to impart transaction functionality on behalf of the user*”, as specifically recited in Claim 1. Note that the e-commerce device is populated with account information “*on behalf of the user*” from a “*plurality of user accounts*” for which such information is retained. Northington does not teach maintaining accounts for a plurality of users. Furthermore, the information used for populating the e-commerce device is “*sufficient account information about the user account, or accounts*” so as to “*impart transaction functionality*” to the device. One of ordinary skill will appreciate that executing a financial transaction with an e-commerce system typically requires an account number as well as identification information, such as name, billing address, expiration dates, security codes and so forth. Northington does not teach communicating these sensitive account numbers for each given user within a plurality of users associated with specific e-commerce devices based on the device identifier.

#### Different System Connections

Northington describes terminals connected to an accounting system of an organization. Although these terminals may comprise personal computers, and not simply video displays, they still perform their functionality through the connection with the main system, and/or database therein.

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Applicant's Claim 1, however, recites that the e-commerce device of the user is configured to perform transactions after being populated in response to its device identifier being received by the TIPCH.

#### Different Device Identifier and Use Thereof

Applicant Claim 1 recites that the e-commerce device of the user is adapted with a device identifier which upon receipt by the TIPCH leads to populating the device to *"impart transaction functionality... on behalf of the user"*. This device identifier aspect is well known in smart cards and other e-commerce devices.

Yet, the *"identifier"* discussed by the Examiner with regard to the Northington reference is that of providing a password protected login procedure for users (i.e., clerical staff) to gain access to corporate information on the accounting system. The login manager of Northington is described in column 6, lines 52-60, which refers to login manager 201 of FIG. 2 within the network services element 101 of FIG. 1. It is clearly seen that the login manager resides within system 100 and not within the remote terminal 110. Furthermore, the login manager manages which persons can access system 100 from terminal 110, and not for accessing a *"user account"* from a *"plurality of user accounts"*.

#### A.5. No Need of Elements within Reference.

The purpose of the Northington system is to consolidate transactions into one system (system 100) across the corporate entity. This is borne out by the title *"...for Real-Time Consolidation of Information from Multiple Financial Systems"*, as well as the Abstract: *"...consolidates information from a plurality of financial systems into a single accounting system"*, and given in the background (column 2, lines 23-26): *"In view of the drawbacks above, there is a need for a system that enables easy, real-time consolidation, monitoring and control of an entity's financial transactions as performed by various independent computerized systems"*.



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This purpose of Northington is not even similar to that of the instant application, which distributes information from the TIPCH for a given user to an e-commerce device. Furthermore, there is no need for populating an e-commerce device with sufficient account information to impart transaction functionality on behalf of the user.

There is no need for a device identifier stored within the terminal. Relying on a device identifier stored within terminal 110 of Northington to identify a user would allow any person in the organization to walk up to the terminal and perform accounting duties, such as printing checks on behalf of the company, changing company records and so forth. This clearly differs from the use of a Smart card or similar e-commerce application described by the Applicant.

There is also no need (or support) for populating the e-commerce device automatically in response to a device identifier (which as illustrated is not present) because it would have to be known what information is to be transferred to the terminal. The information available on terminal 110 of Northington comprises all the organizational accounting data, depending on the security level of the person that signs on to terminal 110. There is no identified subset of this information, nor any description of performing automatic population of a group of data to an e-commerce device, nor is there a structure for identifying the terminal and many additional shortcomings.

Consequently, Northington does not need to store information about a plurality of users, nor does it have any need for distributing information to allow an external e-commerce device to execute transactions, nor does it have any need for a device identifier to be stored on the e-commerce device, nor does it have any need to perform data population automatically in response to receipt of the identifier and so forth.

Performing modification on Northington to provide that functionality, as these aspects are clearly untaught within the reference, would be contrary to the recited purpose of the Northington reference and would be both unnecessary and lack support of teaching, suggestion or motivation thereof.

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#### **A.6. Lack of Specificity of Suggestion to Modify.**

The suggestion to modify Northington is only given as it relates to the device identifier recited in Claim 1. Applicant respectfully asserts that this is improper because support is not found in Northington for the existence of the other elements recited in the claim, wherein the claim has been improperly construed in relation to the Northington reference or not accorded due consideration.

First, as has been brought out previously, the device identifier within the Applicant claims is configured and utilized for a different purpose than in the login process taught by Northington. Furthermore, the device identifier feature closely ties in with other claimed aspects, in particular when received giving rise to automatically populating the e-commerce device. The suggestion to modify does not take any of these elements into account, but only considers the device identifier generically as a security form.

Rather than pointing to specific information in the applied reference that would suggest how this is to meet the specific language of the appealed claims, the Examiner has instead merely described a piecemeal similarity involving only "*security purposes*". Nowhere does the Examiner identify any suggestion, teaching, or motivation to modify as found in the applied references, or in the level of ordinary skill in the art, the nature of the problem to be solved, or any other factual findings that would support a proper obviousness analysis. See, e.g., *Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996).

Secondly, there is no discussion whatsoever toward reconciling the differences between the numerous other distinctions brought out above between elements of Claim 1 and the teachings of the Northington reference.

#### **A.7. Reference Teaches Away from Invention.**

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As mentioned previously, the Northington reference is directed at consolidating information from a number of separate systems into a centralized accounting system. Yet, the instant application is directed at a contrary purpose of distributing information from a centralized system (TIPCH) to e-commerce devices. It should also be noted that other elements teach away from the invention, such as relating to the device identifier, types of records kept, and so forth.

**MPEP 2142.02: PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS**  
A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.

**A.8. Invention Has Not Been Considered as a Whole.**

The invention and the prior art reference are to be considered as a whole. Applicant's claimed device must be viewed as a whole, and it is not proper to dissect Applicant's device and make generalization about the elements where no reference even suggests the combination nor benefits thereof.

**MPEP 2141.02: "THE CLAIMED INVENTION AS A WHOLE MUST BE CONSIDERED.** In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.* 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983)"

A number of elements recited in Claim 1 have been described in the preceding discussions, such as the e-commerce device aspect, device identifier retained by the device, user account from within a plurality of user accounts, automatically populating the e-commerce device, populating the e-commerce device with sufficient information to impart transaction functionality on behalf of the user, and so forth. Applicant believes

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that the support provided in the rejection completely ignores the invention "as a whole" and takes a piecemeal approach focusing on each element in isolation. This contention may be borne out in view of how the rejection equates the device identifier as the same as any security mechanism without considering how its use benefits the ability to automatically populate the device. Applicant holds that the interaction of the elements as well as the plain meaning of those elements has not been properly considered in putting forth the rejection.

#### **A.9. No Prima Facie Case of Obviousness has Been Established.**

Applicant maintains the position that a *prima facie* case of obviousness has not been made. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - §2143.03 for decisions pertinent to each of these criteria. All of these requirements must be met in order to establish a *prima facie* case of obviousness, however, it is Applicant's position that none of these requirements have been met.

Therefore, Applicant respectfully submits that Claim 1, as well as the claims which depend therefrom, describe elements which are not taught or suggested by the relied upon reference, and for which no suggestion, motivation or incentive is found in the reference for adaptation. Accordingly, the Applicant respectfully requests that the rejection of Claim 1 and the claims which depend therefrom be overturned.

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**B. Independent Claim 11.**

The rejection of Independent Claim 11 is subject to a number of similar shortcomings as attended Claim 1, as follows.

The rejection of Claim 11 is formed similarly to that of Claim 1 in that it considers a data terminal attached to the accounting system of Northington as equivalent to the financially enabled e-commerce device as recited in the claim. As discussed with regard to Claim 1, however, the terminal of Northington does not comport to this aspect of Claim 11 because the terminal of Northington only provides access to the computer system itself which can execute financial transactions. Applicant's invention solves a different problem than the reference, and such a problem is recited in the claim. Independent Claim 11 describes an electronic commerce system having a data terminal and a TIPCH for automatically populating the data terminal e-commerce device with sufficient account information to execute transactions.

In support of the rejection, phrases within the claim elements are compared with aspects of the Northington reference.

Column 5, line 7 to column 6, line 22; and column 7, line 45 to column 8, line 18 of the Northington reference are referred to as "*maintaining a plurality of account information obtained from a plurality of vendors*", and for "*information are consolidated and stored at a central computer to be accessed by a plurality of clients depending on their access level*", and for generating reports. However, the above elements do not match up with what is recited within Claim 11.

Elements of Applicant's Claim 11 are over-generalized in the rejection toward putting forth an equivalence between Northington and the claim. For example in the e-commerce system of Claim 11 is recited: "*device identifier retained within said financially-enabled e-commerce device*"; "*a transaction and information clearing house (TIPCH), said TIPCH configured to gather electronic information from a financial*

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*institution or vendor, for a user having an account within a plurality of separate user accounts within said TIPCH”; “said information automatically transferred to said data terminal when said data terminal is connected to said TIPCH and in response to receipt of said device identifier”; “said TIPCH is configured to interface with a financial processing system to transfer funds from a user’s account to a vendors account when authorized by said data terminal;” and “wherein said data terminal is populated by said TIPCH with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction functionality to said data terminal on behalf of a user”.*

In the reference sections put forth in support of the rejection, Applicant is unable to find any description of the system operating with anything but the single organizational entity that the accounting system of Northington is tracking. There is no description of *“a plurality of separate user accounts”*, or similar. Consequently, there could be no discussion of transferring funds from a user’s account to a vendor account when authorization is received from the e-commerce device, nor was any described nor found in the reference.

Applicant also does not find any teachings pertaining to the automatic population of an e-commerce device in response to receipt of a device identifier. Northington describes generating reports about the accounts of the organization. The only automatic generation is in regard to reports, and this has nothing to do with receipt of an identifier from an e-commerce device which identifies the user.

Accordingly, support is lacking in the above areas for asserting that the elements of Claim 11 comport to the teachings of Northington.

In a second section of material regarding Claim 11 the following portions of Northington are relied upon:

In particular, the data terminal configured as a *“financially-enabled e-commerce device”* from Claim 11 is equated to terminal 110 of Northington, such as in FIG. 1.

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However, Northington describes terminals connected to an accounting system of an organization. Although these terminals may comprise personal computers, and not simply video displays, they still perform their functionality through the connection with the main system, and/or database therein. As can be seen from FIG. 1, FIG. 2, FIG. 5 and FIG. 6, the terminal 110 of Northington is not an e-commerce device, nor can it be populated for the execution of transactions, because all such operations are performed through system 100 within Northington.

By contrast, the e-commerce device of the user is configured to perform transactions after being populated in response to its device identifier being received by the TIPCH. The device identifier aspect of the e-commerce device is not simply a design choice but operates in concert with the device and TIPCH toward the automatic population of the device and provides numerous benefits for the plurality of users of the system.

In support of the rejection the transaction and information clearing house (TIPCH) recited in Claim 11 is equated with the system block 100 of Northington. In support of this contention, the following sections from Northington are given: column 7, lines 45-67; column 6, lines 14-18; abstract; and column 8, line 55 to column 9, line 24.

The above textual references from Northington, however, are all in keeping with the consolidation of records within an organizational accounting system as the goal of Northington. The rejection fails to mention that the TIPCH of the instant application gathers information from vendors or financial institutions for a user having an account within a plurality of separate user accounts (vendor information thus collected for each of the users) within the TIPCH, and is configured to populate the e-commerce device with information from that specific user account in response to receiving the device identifier. Further, there is no teaching that system 100 can populate terminal 110 with sufficient account information about the user account to impart transaction functionality on behalf of the user.

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In reference to prior Applicant arguments regarding the e-commerce device Examiner cites column 5, lines 15-25 of Northington. This reference, however, teaches that only system 100 and not terminal 110 executes the transactions. Terminal 110 can display information but there is no teaching regarding its being populated in a manner described in Claim 11, or more specifically populated in response to receipt of a device identifier from the e-commerce device and populated with sufficient account information to impart transaction functionality on behalf of the user.

The Examiner cites abstract; column 10, lines 39-65; column 5, lines 35-65; and column 9, lines 25-58 in support of the contention that the only difference is with regard to the automatic aspect. However, each of the above sections describe an accounting system for an organization, and the teaching lack significant elements as recited in Applicant's claim; including the following shortcomings. Account information is not maintained for a plurality of users. There is no relationship that corresponds between the e-commerce device (terminal) and the TIPCH of Claim 1. System 100 of Northington performs accounting actions which can be in response to commands from the terminal. There is no population of the terminal, only the displaying of account information and the outputting of reports. Security at the terminal of Northington comprises a login process giving users access to the accounting data of the organization.

Accordingly, the elements of the claim do not comport to those aspects within the Northington reference as purported in support of the rejection.

The lack of equivalence between the teachings of Northington and Applicant claims is not surprising as the instant application has objectives which are distinct from the Northington reference; ...they solve distinctly different problems. Applicant describes information gathering and distribution in relation to an e-commerce device. The definition for e-commerce is described in relation to claim 1, and its meaning within the specification. One description of objects is found on page 5, lines 24-26 of the



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instant application: *"It is a further object of the invention to provide an e-Commerce system including a pocket sized, portable, personal terminal unit, which may be used for handling a wide variety of financial, shopping and other transactions."* By contrast, the device of Northington is an improved form of accounting system which provides increase consolidation, such as *"for a large scale financial entity (such as a corporation, business conglomerate, government, or other large organization)"*, as recited in the first sentence of the background of Northington (refer to column 1, lines 21-24. Northington allows clerical staff to login to a terminal coupled to the system for performing the traditional accounting duties.

In addition to having different objectives than the Northington reference, the claims of the instant application describe a system which utilizes different operating principles than that espoused by Northington, as described for Claim 1.

The systems have a 'Different Relationship of Users to Entity' with regard to a number of aspects including the *"financially-enabled e-commerce device"* of a user to be populated with information about the user accounts so that it may execute transactions as recited in the Applicant claim. The Northington reference, however, is directed to an accounting system for an organization, a single entity, for which book keeping activities may be performed by individuals, such as employees, via the terminal.

Claim 11 describes an e-commerce system which maintains information for a plurality of users accounts, any specific user having established a fiduciary relationship with one of those accounts (or in some cases more than one).

The relied upon reference has a 'Different Financial Information Shared with Different Entity'. As described in reference to Claim 1 above, Northington is an accounting system, dealing primarily with tracking the transactions performed by the entity, ledgering, categorizing expenses, and controlling expenses (refer to column 6, lines 13-21 of Northington).

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In contrast, the claims of the instant application describe the *“transaction and information clearing house (TIPCH) ...for a user having an account within a plurality of separate user accounts within said TIPCH”* and the financially-enabled e-commerce device *“populated”* by the TIPCH with *“sufficient account information to impart transaction functionality to said data terminal on behalf of a user”*, as specifically recited in Claim 11. Noting also that the e-commerce device is populated with account information *“on behalf of the user”* from a *“plurality of user accounts”* for which such information is retained. Northington does not teach maintaining accounts for a plurality of users. Furthermore, the information used for populating the e-commerce device is *“sufficient account information about the user account, or accounts”* so as to *“impart transaction functionality”* to the device. One of ordinary skill will appreciate that executing a financial transaction with an e-commerce device typically requires an account number as well as identification information. Northington does not teach communicating these sensitive account numbers for each given user within a plurality of users associated with specific e-commerce devices based on the device identifier. Neither does Northington teach communicating this sensitive data to the vendors of the organization operating the accounting system.

The operating principles also differ in respect to ‘Different System Connections’ as discussed in relation to Claim 1. Specifically, Northington describes terminals connected to an accounting system of an organization, which perform their functionality through the connection with the main system, and/or database therein. Applicant’s Claim 11, however, recites that the e-commerce device of the user is configured to perform transactions on its own after being populated in response to its device identifier being received by the TIPCH.

Additional problems exist as mentioned with regard to Claim 1, including: ‘Different Device Identifier and Use Thereof’ and so forth.

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Applicant puts forth that the interpretation of elements within Claim 11 of the instant application and the teachings of Northington, have not been Examined according to that meaning which is found within the specification, or what would be considered the plain meaning by one of ordinary skill in the art.

MPEP 2111.01 "PLAIN MEANING" REFERS TO THE MEANING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART

When not defined by applicant in the specification, the words of a claim must be given their plain meaning. In other words, they must be read as they would be interpreted by those of ordinary skill in the art.

These shortcomings arise with regard to the 'Financially Enabled e-Commerce Device', 'TIPCH Maintaining Information for Plurality of User Accounts', 'Automatically Transferring Electronic Information to Data Terminal', 'In Response to Receipt of Said Device Identifier', 'Sufficient Account Information ...to Impart Transaction Functionality', 'Device Identifier Retained Within Device', and so forth.

Applicant respectfully submits, that the rejection is not based on the "plain meaning" of the elements being compared, and in regard to how the terms are used in the specification of the instant application.

In addition, the support for the rejection of Claim 11, as with Claim 1, is not undergirded with proper support as it does not teach all claim limitations. Applicant's invention is also directed to different purposes and operates according to different principles of operation than found in Northington. Specifically, the system of the Applicant allows a "*financially-enabled e-commerce device*" of a user to be populated with information about the user accounts so that it may execute transactions. Embodiments describe the e-commerce devices as a digital wallet and so forth.

Additionally, Claim 11 recites the aspects of a "*a device identifier retained within said financially-enabled e-commerce device*" described as well as how it relates to the operation of the TIPCH and the data terminal. The TIPCH is configured to "*to gather*

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*electronic information from a financial institution or vendor, for a user having an account within a plurality of separate user accounts within said TIPCH".*

The transferring of information to the e-commerce device is described in Claim 11 as being *"in response to receipt of said device identifier"*.

This distinction appears to clearly overcome the teachings of Northington which does not describe associating a selection of one of a plurality of accounts using device identifiers. The use of user sign procedures on non-dedicated terminals within Northington to limit access to information for the single entity is clearly not equivalent.

Consequently, the Northington reference does not provide support for the rejection of independent Claim 11 and is similarly lacking in numerous regards.

Therefore, the Applicant respectfully submits that Claim 11, as well as the claims which depend therefrom, describe elements which are not taught or suggested by the relied upon reference, and for which no motivation is found in the reference for adaptation. Accordingly Applicant requests that the rejection of Claim 11 and the claims which depend therefrom be overturned.

### **C. Independent Claim 16.**

Independent Claim 16 describes a *"method for permitting users to conduct an electronic commerce transaction"*. The rejection of Claim 16 is framed similarly to those of Claims 1 and 11 and it suffers from similar shortcomings, including 'All Claim Limitations are Not Taught', 'Elements not given their 'Plain Meaning'', 'Solving a Different Problem', 'Different Operating Principles', 'No Need of Elements within Reference', 'Lack of Specificity of Suggestion to Modify', 'Reference Teaches away from Invention', 'Not Considering the Invention as a Whole', and so forth as discussed with regard to Claims 1 and 11. In addition aspects of independent Claim 16 which were not recited in prior independent Claim 1 and Claim 11, have been improperly equated with aspects of the Northington reference.

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Specifically, in support of populating the e-commerce device with user account information associated with the device identifier to impart transaction functionality on behalf of the user, the Examiner puts forth the following sections in the rejection, wherein Applicant comments as follows regarding the context of these sections.

In column 2, lines 51-53 Northington describes login access to the accounting system in which “*different users may have different levels of access to the information processed and stored by the system*”.

In column 5, lines 46-56 Northington also describes how login access controls what access to the organization’s data is made available to the person logging in on a terminal.

In column 6, lines 56-64 Northington describes the login manager to control the extent of access to organizational accounting information.

The users being referred to in these Northington references are persons logging into the accounting system of Northington to perform accounting functions for the organizational entity. None of these references discuss user accounts, nor do they discuss device identifiers associated with particular user accounts.

In support of the e-commerce device being populated with sufficient account information about the user accounts to impart transaction functionality the following references are relied upon.

In column 7, line 45 to column 8, line 18 Northington generally describes the report generator which can generate reports on financial information for the organization in response to requests entered from terminals by those who login, or the reports can be generated automatically.

Nothing is brought out by the Examiner or found in the above section of Northington regarding user accounts in which financial information is retained. The users of the system of Northington are those that log in to the accounting system to access information about the organization.

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A number of these shortcomings in support of the rejection of Claim 16 are now discussed. Applicant also contends that not all claim limitations have been taught in support of the rejection of Claim 16, and the claims in general. Similar shortcomings were discussed with regard to Claims 1 and 11. The method of Claim 16 describes the device for performing the transactions as an "*e-commerce device*" which is provided to a user with a "*unique identifier corresponding to the user*". As described with regard to Claims 1 and 11, Northington does not describe an e-commerce device in this context and clearly does not provide a unique identifier for the e-commerce device corresponding to an individual user within a plurality of user accounts. The instant application describes a "*transaction and information clearing house (TIPCH)*" which receives "*electronic content from at least one vendor or financial institution for each individual user within a plurality of users*". Again there is nothing which comports to this within the relied-upon reference of Northington - nothing is even put forth by the Examiner relating the cooperation of these elements. Instead the rejection relies on dissecting the elements and over-generalizing individual phrases which are not considered with their proper meanings or in their proper context. The rejection discusses the interaction with vendors from the accounting system of Northington and how this account information can be accessed in reports by users (clerical staff) of the accounting system via a terminal.

The claim also discusses "*maintaining an association between the user and the data-transaction device within the TIPCH using the unique identifier*" which relates to the TIPCH maintaining user information for a plurality of user accounts. Northington does not provide services to a plurality of users but to a single entity, nor does it provide for associating unique device identifiers received from the devices with individual users associated with those accounts.

The step of "*populating said data-transaction device by said TIPCH with sufficient account information about the user account, or accounts, associated with said*

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*device identifier to impart transaction functionality*” is not met by Northington. As previously discussed, there is no description of maintaining a plurality of user accounts within Northington (see Abstract: “*The system enables an entity...*”), and nothing is brought forth in which these user accounts (which don’t exist in Northington) are each associated with the device identifier.

Additional limitations are recited for Claim 16, over those discussed for Claims 1 and 11 which are not taught by the Northington reference. In particular “*authorizing a transaction within said TIPCH based on the device identifier on behalf of the user*”, is not taught by Northington which (a) does not have user accounts from which transactions are executed; (b) does not associate a device identifier with a specific user account within that plurality of user accounts; (c) does not authorize transactions based on the device identifier.

The last element of Claim 16 recites “*executing an electronic commerce transaction with a vendor using the data-transaction device*”. The transaction as mentioned is on behalf of a user associated with the device and from the data-transaction device. This is in contrast to Northington which describes organizational accounting operations with the terminal used for inputting commands and displaying reports for that entity.

In addition, the user financial accounts, and the association between those accounts and the unique identifier, and the ability to populate the e-commerce device with information from those user accounts, are elements which are clearly not needed within the Northington reference, as it is directed to consolidating accounting information across an organization.

Applicant submits that the rejection does not properly consider the invention as a whole, but instead has adopted a piece meal approach dissecting the device into small elements which are generalized to fit aspects of the Northington reference. The relationships between these dissected elements have not been properly considered.

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For example the user accounts within a plurality of user accounts within which vendor account information is retained by the TIPCH, has no bearing on an accounting system for an organization as provided by Northington. Numerous similar problems exist with regard to the device identifier, automatic population and so forth.

Applicant submits that the elements recited in Claim 16 are not given the meaning recited in the specification, and are not even accorded their “plain meaning” as one of ordinary skill in the art would surmise without benefit of the specification’s teaching. The meaning of a number of claim elements has been misinterpreted in positing the rejection, such as *“financially-enabled e-commerce device”*, *“unique device identifier”* within the e-commerce device, *“users account”* within *“a plurality of users”*, *“populating said data-transaction device by said TIPCH”*, *“sufficient account information... to impart transaction functionality”*, *“on behalf of the user”*, and so forth. Applicant asserts that these elements are compared individually with aspects within the Northington reference based on an over-generalization that does not take into account the relationships described in Claim 16, Applicant’s specification, or even the “plain meaning” of the terms.

Applicant’s invention solves a different problem than the reference, and such a problem is recited in the claim. Independent Claim 16 describes a method for permitting users to conduct electronic commerce transactions. Northington, by contrast, teaches consolidating accounting information within an organization.

In addition to having different objectives than the Northington reference, the claims of the instant application describe a system which utilizes different operating principles than taught by Northington. A different relationship of users and entity are described, for example Claim 16 describes *“electronic content from at least one vendor or financial institution for each individual user”*. Northington by contrast is an accounting system of an organizational entity (see column 6, lines 13-21). Financial information is shared with a different entity in a different manner in the instant



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application than in the teachings of Northington. The claim describes receiving electronic content from vendors and financial institutions “*for each individual user*”, and to “*provide that electronic content for storage in said data-transaction device in response to receipt of said device identifier*”. Northington does not perform these operations for a plurality of users, as the ‘users’ described by Northington are the operators which access organizational accounting data from the terminal. In addition, Northington is not directed at automatically populating a transaction device, and in particular in response to a device identifier. Numerous other differences exist between the principles of operation of the claimed invention and that of the reference.

In view of the shortcomings discussed above, in particular the lack of teaching for all claim limitations, it is clear that a *prima facie* case of obviousness has not been established against Claim 16.

Therefore, the Applicant respectfully submits that Claim 16, as well as the claims which depend therefrom, are patentable over the Northington reference as they describe elements which are not taught or suggested by the relied upon reference, and for which no motivation is found in the reference for adaptation, wherein Applicant requests that the rejections be overturned.

#### **D. Independent Claim 18.**

Independent Claim 18 describes “*a transaction and information processing clearing house (TIPCH) for use within an electronic transaction system*”. The preamble itself breathes life into the claim and provides distinction over the cited Northington reference, which describes consolidating information for the single business entity. The rejection of Claim 18 is framed similarly to those of Claims 1, 11 and 16 and it suffers from similar shortcomings, such as ‘All Claim Limitations are Not Taught’, ‘Elements not given their ‘Plain Meaning’, ‘Solving a Different Problem’, ‘Different Operating Principles’, ‘No Need of Elements within Reference’, ‘Lack of Specificity of

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Suggestion to Modify', 'Reference Teaches away from Invention', 'Not Considering the Invention as a Whole', and so forth. In addition aspects are recited in independent Claim 18, which were not recited in prior independent Claim 1, 11 and 16, and which have been improperly equated with aspects of the Northington reference.

In support of the rejection phrases within Applicant claim elements are compared with aspects of the Northington reference. Column 9, line 49 through column 10, line 38 of Northington is referred to in support of "*a secure database identifying accounts corresponding to particular transaction device identifiers within a plurality of financially-enabled e-commerce devices*". Examiner does not bring out any specifics on the support. Within the section of text relied upon Applicant only finds discussion of sessions in which persons (called users) can log in to a terminal to access the accounting system of Northington. These persons can perform accounting duties on behalf of the organization.

However, no description can be found for "*identifying (user) accounts corresponding to particular transaction device identifiers*", it is clear that Northington does not support any user financial accounts within a plurality of user financial accounts.

Column 8, line 55 to column 9, line 23; column 7, line 45 through column 8, line 18; column 9, line 49 through column 10, line 38; column 13, lines 15-32; column 10, lines 12-14 and column 8, lines 1-18 of Northington are referred to in support of "*authorization logic coupled to the secure database configured to authorize access to a user information database and to populate a financially-enabled e-commerce device in response to said particular transaction device identifiers with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction execution functionality therein on behalf of a user*".

However, none of these references teach a database of user financial information, nor do they teach populating an e-commerce device in response to the

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device identifier, nor the imparting of transaction execution functionality on behalf of a user.

A number of the shortcomings found in support of the rejection of Claim 18 are now discussed. Applicant contends that not all claim limitations have been taught in support of the rejection of Claim 18, and the claims in general. Similar shortcomings were discussed with regard to Claims 1, 11 and 16. The system claim describes the device for performing the transactions as an “*e-commerce device*” having a “*particular transaction device identifier*” corresponding to accounts within a secure database. As described with regard to Claims 1, 11 and 16, Northington does not describe an e-commerce device in this context and clearly does not provide a unique identifier for the e-commerce device corresponding to an individual user within a plurality of user accounts. The instant application describes a “*transaction and information processing clearing house (TIPCH)*” which can “*populate a financially-enabled e-commerce device in response to said particular transaction device identifiers with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction execution functionality therein on behalf of a user*”. Again nothing is put forth by Examiner or found by Applicant which comports to this within the relied-upon reference of Northington, and nothing is put forth by the Examiner relating the cooperation of elements. Instead the rejection relies on dissecting the elements and over generalizing individual phrases which are not considered with their proper meanings or in their proper context. Applicant sees the rejection as discussing the interaction with vendors from the accounting system of Northington and how this account information can be accessed in reports by users (clerical staff) of the accounting system via a terminal.

Described within Claim 18 is the association between the accounts and the device identifiers: “*secure database identifying accounts corresponding to particular transaction device identifiers*”. However, there is no support provided in the rejection

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for this recited aspect of the invention. Applicant notes that Northington does not provide anything which comports to identifying accounts within the TIPCH based on the device identifiers. It should be noted that Northington maintains accounts for but ONE entity, the organization.

In putting forth the claim 18 rejection, the phrase "*within a plurality of financially-enabled e-commerce devices*" appears not to have been accorded any weight. This aspect of Claim 18 denotes a difference relating both purpose and principles within the Northington reference.

Recited in Claim 18 is the phrasing "*sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction functionality*" describes in yet another portion of the claim the association of device identifier with the user accounts. The populating of the device is also described as being "*in response to said particular transaction device identifiers*". These aspects of the invention as described with regard to Claims 1, 11 and 16 provide clear distinction over the teachings of the Northington reference.

Applicant contends that the elements recited in Claim 18 are also not given the meaning recited in the specification, and have also not been accorded their "plain meaning" as one of ordinary skill in the art would recognize them without benefit of the specification's teaching. The meaning of a number of claim elements has been misinterpreted in positing the rejection, such as "*financially-enabled e-commerce device*", "*device identifier*" of e-commerce device, "*users account*" within "*a plurality of users*", "*populating a financially-enabled e-commerce device in response to said particular transaction device identifiers*", "*sufficient account information about the user account, or accounts, associated with said device identifier... to impart transaction functionality therein on behalf of a user*", and so forth. The rejection generalizes these aspects to make comparisons with the Northington reference and does not take into account the clear meaning of these elements and their relationships.

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Applicant's invention solves a different problem than the reference, and such a problem is recited in the claim. Independent Claim 18 describes a *"transaction and information processing clearing house (TIPCH) for use within an electronic transaction system"*. Northington, by contrast, teaches consolidating accounting information within a single organizational entity.

In addition to having different objectives than the Northington reference, the claims of the instant application describe a system which utilizes different operating principles than taught by Northington. A different relation of users and the entity is described, for example Claim 18 describes *"a secure database identifying accounts corresponding to particular transaction device identifiers within a plurality of financially-enabled e-commerce devices"*; and *"user account, or accounts, associated with said device identifier"*. Northington by contrast is an accounting system of an organizational entity (see column 6, lines 13-21). Financial information is shared with a different entity in a different manner in the instant application than in the teachings of Northington. The claim describes populating the user transaction device with account information *"populate a financially-enabled e-commerce device in response to said particular transaction device identifiers with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction execution functionality therein on behalf of a user"*. Northington does not collect information for a plurality of users, nor is it configured to collect information for a particular user within those accounts and populate their transaction device. Operators (users) within the Northington reference can access organizational accounting data from the terminal. Numerous other differences exist between the principles of operation of the claimed invention and that of the reference.

Consequently the Northington reference does not provide support for the rejection of independent Claim 18, with the rejection falling short in a number of areas.

Therefore, the Applicant respectfully submits that Claim 18, as well as the claims

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which depend therefrom, are patentable over the Northington reference, wherein Applicant requests that the rejections be overturned.

**E. Independent Claim 19.**

Independent Claim 19 describes “a system for executing and tracking financial transactions”. Independent Claim 19 recites a number of aspects with particular clarity that do not equate to teachings within Northington, in addition to the shortcomings previously brought out with regard to Claims 1, 11, 16 and 18. The rejection of Claim 19 is similar to those of Claims 1, 11, 16 and 18 and it suffers from similar shortcomings, such as ‘All Claim Limitations are Not Taught’, ‘Elements not given their ‘Plain Meaning’, ‘Solving a Different Problem’, ‘Different Operating Principles’, ‘No Need of Elements within Reference’, ‘Lack of Specificity of Suggestion to Modify’, ‘Reference Teaches away from Invention’, ‘Not Considering the Invention as a Whole’, and so forth. In addition, aspects were recited in independent Claim 16, which were not recited in prior independent Claim 1 and Claim 11, and which have been improperly equated with aspects of the Northington reference.

Applicant contends that the rejection of independent Claim 19 improperly equates aspects of the information repository (IR) with that of Northington. In particular, gathering the account information for each registered user, is partially equated to providing passwords to users, wherein the rejection considers this addition would be obvious for security. However, the aspect would require the purpose and principle of operation of Northington to be changed, which would only occur as a result of improper hindsight based on Applicant’s teaching. The limitation of a portable transaction device is considered obvious, however, this aspect also is contrary to the consolidation teachings of the Northington reference, wherein the intent was to eliminate transactions being executed by external systems, from which necessary “backroom operations” arose. The failings described with regard to Claims 1, 11 and 16 are also generally

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applicable to Claim 19.

In addition Claim 19 describes how the information *"is gathered for each of a plurality of registered users of said TIPCH"*. Description of the portable transaction device recites how the portable transaction device can be used to execute transactions *"with or without a connection established to said TIPCH"*. It will be appreciated that use of a separate portable terminal, disconnected from system 100 of Northington, is not taught by Northington and is contrary to the intent of Northington.

Accordingly, the recited elements of Applicant's Claim 19 cannot be properly equated to the Northington reference, nor is there a basis of support for an obviousness rejection based on the reference.

Therefore, the Applicant respectfully submits that Claim 19, as well as the claims which depend therefrom, are patentable over the Northington reference, wherein Applicant requests that the rejections be overturned.

#### **G. Dependent Claim 6.**

Dependent Claim 6 depends from independent Claim 1 and recites another aspect of the transaction and information processing clearing house having a security mechanism *"wherein access to the information stored for a particular user within said transaction and information processing clearing house is restricted to said particular user"*.

In support of the rejection column 6, line 52 through column 7, line 3 is referenced by the Examiner though no explanation is provided for that textual reference.

In the referenced section above Northington refers to the login manager of Northington which controls who can access the accounting system from the terminal and at what level (column 6, line 52-54: *"...includes a login manager 201 for controlling login and handshaking functions between system 100 and all external interfaces,*

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*including financial systems 106 and 112. The login manager also performs security functions to prevent unauthorized internal and external access to system 100...”*

The system of Northington does NOT provide access to a database containing information for a plurality of user accounts, NOR does it provide the ability to access information for a particular user from that group of user accounts.

Therefore, Applicant contends that support is lacking for the rejection of Claim 6, and requests that the rejection be overturned.

#### **H. Dependent Claim 8.**

Dependent Claim 8 depends from Claim 7 and independent Claim 1 and recites another aspect of the transaction and information processing clearing house in which the *“TIPCH is configured to provide electronic content to a user by transmitting the electronic content to a user’s transaction device at the request of the user”*.

In support of the rejection the Examiner cites column 8, lines 55 to column 9, line 23 of Northington, though no explanation is provided for that textual reference.

The relied upon portion of Northington describes performing an information access query from terminal 110. Referring to column 8, lines 55-65: *“For example, if a user enters a request for information at remote terminal 110 or customer service terminal 120, the web services element 104 receives the command (as described in further detail below) and transmits it to navigator 404. Navigator 404 then contacts the database management system 301 of data repository element 102 to determine whether the information requested by the user is stored in database 302. If so, the database management system 301 provides the requested information to the web services element 104 for transmission to remote terminal 110 or customer service terminal 120.”*

However, as can be seen from the above, this portion of Northington describes an information query performed from terminal 110 to the accounting system to get a



piece of information from the accounting database. It will be understood that Northington describes an accounting system for an organization, and does not describe retaining account information for a plurality of users. Furthermore, there is no mention of a user's transaction device, or more particularly the "*transmitting the electronic content to a user's transaction device at the request of the user*"; wherein the cited reference does provide support for this claim limitation and Applicant considers the rejection improper.

Therefore, Applicant contends that support is lacking for the rejection of Claim 8, and requests that the rejection be overturned.

**I. Dependent Claim 17.**

Dependent Claim 17 depends from independent Claim 16 and recites "*a set of personal identification information corresponding to the user is obtained and associated with the data-transaction device upon a registration of the data-transaction device*".

In support of the rejection the Examiner cites column 5, lines 35-56; and column 9, lines 49 through column 10, line 38 of Northington, though no explanation is provided for those textual references.

Referring to column 5, lines 35-56 of Northington a description is given of making web access from terminal 110 through system 100 to the Internet. Additionally it is recited that the user can access system 100 (accounting system for the organization) to "*access information, administer accounts, control spending and other account activity, request reports, and perform other functions or tasks. ...*" This section generally describes using a terminal to execute commands within an application program.

Referring to column 9, lines 49 through column 10, line 38 of Northington a description is given of portions of the application of Northington to "*provide authorized users and customer service representatives with an interface to independent systems 106, 112 and 130 and the ability to access, manipulate, and modify data stored in the*

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*data repository element 102. Users and/or customer service representatives may initiate a variety of monitoring, controlling, and updating functions that are performed in real time and also maintained by system 100 in database 302."*

However, within the Northington reference and in particular the relied upon portion, there is no description whatsoever of the system storing a set of personal identification information for each of the users, or of there being any association between the data-transaction device and the user, or of a registration process for the data-transaction device within which the personal identification information is obtained and associated with the data-transaction device. What is provided are very generic concepts of performing monitoring and control from a terminal to a system, however, Applicant argues that these incidental aspects are far too general in nature to read on the recited claim and particularly that multiple aspects of the claim are not described whatsoever by the relied-upon reference.

Therefore, Applicant contends that support is lacking for the rejection of Claim 17, and requests that the rejection be overturned.

#### **J. Dependent Claim 20.**

Dependent Claim 20 depends from independent Claim 19 and describes that the transaction and information processing clearing house *"is configured for interfacing with a registered user for establishing operating preferences for said portable transaction device, establishing report preferences, reporting status of accounts, allowing the user to change account and vendor parameters, displaying financial activity, paying invoices and bills, and/or controlling automated payments"*.

In support of the rejection the Examiner cites column 5, lines 15-55; column 6, lines 22-40; column 2, lines 28-67; and column 9 of Northington, though no explanation is provided for those textual references.

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Referring to column 5, lines 15-55 of Northington a description is given that generally describes that the accounting system 100 of Northington communicates with independent computer systems for performing "*purchasing, spending, invoicing, payment of credit receipts, and other financial transactions*". It also mentions that system 100 can communicate with electronic commerce networks and systems. Applicant finds nothing which relates to the elements of Claim 20.

Referring to column 6, lines 22-40 a description is given of a general ledger system 131 within the accounting system of Northington, wherein the overall financial records of the entity are maintained while division systems maintain financial records of divisions within the entity. Applicant finds nothing which relates to the elements of Claim 20.

Referring to column 2, lines 28-67 covers the first three paragraphs of the summary of invention of Northington spanning numerous topics. Within this text appears to be generally described the system for consolidating accounting information for a large entity "*without the need for expensive and time-consuming backroom procedures*". Applicant finds nothing which relates to the elements of Claim 20.

Referring to column 9 of Northington a description is given of a number of other aspects of accounting system 100, including the use of custom application logic, on-line access to information within the accounting database, setting limits on account spending within data repository element 102 of system 100.

However, Applicant finds nothing within these numerous portions of text which describe a portable transaction device, and more particularly *establishing operating preferences* for that device. It should be noted that the TIPCH is being described which maintains information for a plurality of users, and that the claim addresses storing preferences within the TIPCH for use by the portable transaction device.

One of ordinary skill in the art would appreciate that these preferences can speed setting up the portable transaction device, as outlined on page 15, lines 22-30:

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*"During the initial registration procedure, the user is preferably directed through a series of initiation screens where the user makes a series of preference selections. The user selects a default bank account, a default credit card account, the limits on automatic payment events, brokerage account, mortgage and loan accounts and the like. The user may also add additional accounts to the system after the initial setup procedure as desired by the user. However, it will be seen that the information need only be provided to TIPCH 18 one time regardless of the number of data-transaction devices 12 that are registered.";* and elsewhere.

Applicant finds no teaching within Northington in which a user from a plurality of users can establish a set of preferences within the TIPCH system for use with any number of portable devices.

Therefore, Applicant contends that support is lacking for the rejection of Claim 20, and requests that the rejection be overturned.

#### **K. Dependent Claim 21.**

Dependent Claim 21 depends from independent Claim 19 which describes that the transaction and information clearing house *"is configured for registering multiple portable transaction devices for each given user"*.

In support of the rejection the Examiner cites column 2, lines 44-53 of Northington, though no explanation is provided for those textual references.

Referring to column 2, lines 44-53 of Northington, a general description is given of processing and storing information obtained from a plurality of financial and/or other computerized system in which different users may have different levels of access to the information of the organization which is processed and stored by the system.

The relied-upon section of text from Northington does not describe the user of a portable transactions device, nor does it address the process of registering those portable transaction devices. Furthermore, as indicated before, the Northington

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reference provides accounting data for a given organizational entity, not a plurality of users, so it is not surprising that there is no support in that section for registering multiple portable transaction devices for each given user.

Therefore, Applicant argues that the relied upon section of Northington provides no support for the rejection of Claim 21, and requests that the rejection be overturned.

**L. Dependent Claim 26.**

Dependent Claim 26 depends from independent Claim 19 further describing that the transaction and information clearing house *"is included within a transaction agent configured to operate on behalf of a registered user"*.

The entirety of support of the above rejection is *"note columns 5 and 6 of Northington et al."*.

The relied upon sections of Northington describe a wide array of aspects. It is uncertain as to how Applicant is expected to discern what the Examiner feels comports to claim elements unless the Examiner specifically recites those portions of the specification and does not simply rely on noting large sections of text in which numerous diverse concepts are described.

Applicant finds no teaching within Northington that comports to a transaction agent operating on behalf of a user, and in particular when that is related to the base of independent claim 19 wherein it is understood that the registered user is of a plurality of users for which account information is being maintained.

Therefore, Applicant argues that no support exists for the rejection of Claim 26, and requests that the rejection be overturned.

**M. Dependent Claim 27.**

Dependent Claim 27 depends from independent Claim 19 and describes that the transaction and information clearing house (TIPCH) *"is configured to automatically*

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*populate said portable transaction device with information” and that the “automatic population of said portable transaction device with information comprises a zero click commerce activity”.*

In support of the rejection Examiner contents that although Northington does not explicitly recite the claim material *“Northington et al. disclose providing automatic transfer of electronic information based on a predetermined time or as pre-programmed. Thus no click is necessary. See column 8, lines 1-18 of Northington et al.”.*

The relied upon section of Northington describes a report generator within the accounting system of Northington. This report generator can provide reports *“...automatically in accordance with pre-programmed criteria (e.g., periodically of upon receipt of certain data inputs)...”.*

However, Claim 27 is not describing generating reports on the organization associated with an accounting system. The elements of Claim 27 describe automatic population of the portable transaction device which relates back to Claim 19 that describes populating the transaction device with user account information selected from a plurality of user accounts. In addition, the population of the device is performed automatically upon establishing a secure communications link with the TIPCH. This claim clearly adds to that reference by indicating that the population of the device can be performed without any intervention from the user.

Applicant submits that the relied-upon citation from Northington does not teach populating user devices with user account information from a plurality of user accounts and more particularly the population being performed without the need of user intervention as represented by the “zero-click” terminology.

Therefore, Applicant contends that no support exists for the rejection of Claim 27, and requests that the rejection be overturned.

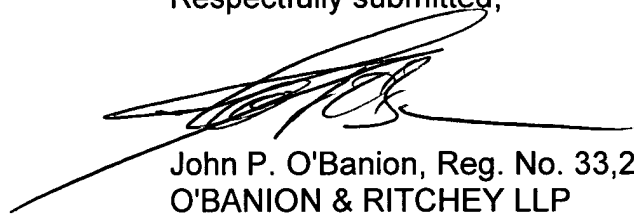
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**CONCLUSION**

Accordingly, the Applicant respectfully requests a determination of the issues presented herein, as well as a determination that Claims 1-27 are allowable.

Date: 3/13/06

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. O'Banion', is written over a horizontal line.

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Appendix:

Claims Appendix (listing pending claims 1-27)

Evidence Appendix

Related Proceedings Appendix

### **CLAIMS APPENDIX**

1. An information gathering and distribution system, comprising:  
a data terminal configured as a financially-enabled e-commerce device for receiving data;  
a device identifier retained within said financially-enabled e-commerce device;  
and  
a transaction and information clearing house (TIPCH), maintaining information for a plurality of user accounts, and configured to gather electronic information from a financial institution or vendor for a user having an account within said plurality of user accounts, said TIPCH connected selectively to said data terminal;  
wherein said TIPCH is configured for automatically transferring electronic information to said data terminal while said data terminal is connected to said TIPCH and in response to receipt of said device identifier;  
wherein said data terminal is populated by said TIPCH with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction functionality to said data terminal on behalf of the user.
2. A system as recited in claim 1, wherein said data terminal is configured for establishing a secure connection to send electronic signals to said TIPCH.
3. A system as recited in claim 2, further comprising a financial transaction processing mechanism associated with said TIPCH, said processing mechanism configured to disperse forms of remuneration to a vendor associated with a transaction authorized by said TIPCH.



4. A system as recited in claim 3, wherein said financial transaction processing mechanism is a financial institution.

5. A system as recited in claim 1, wherein said data terminal further comprises a security mechanism, wherein access to said terminal is restricted to a particular user.

6. A system as recited in claim 1, wherein said transaction and information processing clearing house further comprises a security mechanism, wherein access to the information stored for a particular user within said transaction and information processing clearing house is restricted to said particular user.

7. A system as recited in claim 1, further comprising a secure distribution system for distribution of electronic content to a user from said TIPCH, said TIPCH configured to receive electronic content from a vendor and to provide the electronic content to a user through said secure distribution system.

8. A system as recited in claim 7, wherein the TIPCH is configured to provide electronic content to a user by transmitting the electronic content to a user's transaction device at the request of the user.

9. A system as recited in claim 3, further comprising a distribution channel configured to provide delivery of a product of the transaction.

10. A system as recited in claim 9, further comprising a return system configured to enable the user to return a package to the vendor.

11 An electronic commerce system, comprising:  
a data terminal capable of sending and receiving data, said terminal configured as a financially-enabled e-commerce device to indicate that a transaction is to be performed;  
a device identifier retained within said financially-enabled e-commerce device;  
a transaction and information clearing house (TIPCH), said TIPCH configured to gather electronic information from a financial institution or vendor, for a user having an account within a plurality of separate user accounts within said TIPCH;  
wherein said TIPCH is configured to be connected selectively to said data terminal; said information automatically transferred to said data terminal when said data terminal is connected to said TIPCH and in response to receipt of said device identifier;  
wherein said TIPCH is configured to interface with a financial processing system to transfer funds from a user's account to a vendors account when authorized by said data terminal;  
wherein said data terminal is populated by said TIPCH with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction functionality to said data terminal on behalf of a user.

12. A system as recited in claim 11, wherein said transaction and information processing clearing house further comprises a security mechanism, wherein access to said financial and information processing clearing house is restricted to a particular user.

13. A system as recited in claim 11, wherein said data terminal further comprises a security mechanism, wherein access to said data terminal is restricted to a particular user.

14. A system as recited in claim 11, wherein said transaction and information processing clearing house further comprises a distribution system configured to provide delivery of a product of a transaction to a user.

15. A system as recited in claim 14, wherein the distribution system is further comprising a return system configured to enable the user to return the package to the vendor.

16. A method for permitting users to conduct an electronic commerce transaction, the method, comprising:

providing a data-transaction financially-enabled e-commerce device to a user, the device capable of sending and receiving data, the transaction device having a unique identifier corresponding to the user;

configuring a transaction and information clearing house (TIPCH) to receive electronic content from at least one vendor or financial institution for each individual user within a plurality of users and to provide that electronic content for storage in said data-transaction device in response to receipt of said device identifier;

maintaining an association between the user and the data-transaction device within said TIPCH using the unique device identifier;

populating said data-transaction device by said TIPCH with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction functionality to said data terminal on behalf of a user;

authorizing a transaction within said TIPCH based upon the device identifier on behalf of the user, and automatically providing said electronic content to said data-transaction device; and

executing an electronic commerce transaction with a vendor using the data-transaction device.

17. A method recited in claim 16, wherein a set of personal identification information corresponding to the user is obtained and associated with the data-transaction device upon a registration of the data-transaction device.

18. A transaction and information processing clearing house (TIPCH) for use within an electronic transaction system, comprising:

- a secure database identifying accounts corresponding to particular transaction device identifiers within a plurality of financially-enabled e-commerce devices;

- authorization logic coupled to the secure database configured to authorize access to a user information database and to populate a financially-enabled e-commerce device in response to said particular transaction device identifiers with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction execution functionality therein on behalf of a user;

- an information retrieval system wherein consumer account information is retrieved from selected consumer accounts of at least one vendor or financial institution and stored in said user information database; and

- an information disbursal system, wherein retrieved information in said user information database is automatically dispensed to a user.

19. A system for executing and tracking financial transactions, comprising:

- a transaction and information clearing house (TIPCH), said TIPCH configured with an information repository in which electronic account information from at least one financial institution or vendor is gathered for each of a plurality of registered users of said TIPCH; and

- a portable transaction device containing data memory and configured for connecting with said TIPCH by a secure communications link and populating said data

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memory automatically, upon establishing said secure communications link with said TIPCH, with sufficient account information about the user account, or accounts, associated with said device identifier to impart transaction functionality with or without a connection established to said TIPCH;

wherein said transaction device is configured with a unique identifier associated with a particular registered user having at least one financial account accessible to said TIPCH;

wherein said TIPCH is configured to interface with a financial processing system so that transactions can be executed in which funds are transferred between an associated user account accessible to said TIPCH and one or more vendor accounts.

20. A system as recited in claim 19, wherein said transaction and information processing clearing house is configured for interfacing with a registered user for establishing operating preferences for said portable transaction device, establishing report preferences, reporting status of accounts, allowing the user to change account and vendor parameters, displaying financial activity, paying invoices and bills, and/or controlling automated payments.

21. A system as recited in claim 19, wherein said transaction and information clearing house is configured for registering multiple portable transaction devices for each given user.

22. A system as recited in claim 19, further comprising means for biometric identification within said portable transaction device.

23. A system as recited in claim 22, wherein said biometric identification comprises a fingerprint recognition device.

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24. A system as recited in claim 19, wherein said portable transaction device comprises a financially enabled electronic-commerce device.

25. A system as recited in claim 24, wherein said electronic-commerce device is selected from the group of electronic-commerce devices consisting essentially of: cards having a smart card chip, digital wallets, smart cellular phones, home personal computers, web-enabled kiosks and personal digital assistants.

26. A system as recited in claim 19, wherein said transaction and information clearing house is included within a transaction agent configured to operate on behalf of a registered user.

27. A system as recited in claim 19:  
wherein said transaction and information clearing house is configured to automatically populate said portable transaction device with information;  
wherein said automatic population of said portable transaction device with information comprises a zero click commerce activity.

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### **EVIDENCE APPENDIX**

Not Applicable. No additional evidence is relied upon in the present Appeal.

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**RELATED PROCEEDINGS APPENDIX**

Not Applicable. No related proceedings are pending and no decisions have been rendered by a court or the Board of Appeals relating to the present Appeal.